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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2003-63605

MICHELE MARIE KEITH
PO BOX 5164
Santa Rosa, CA 95402

A C C U S A T I O N

Physical Therapist Assistant License
No. AT 4056

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about October 12, 1995, the Physical Therapy Board of California issued Physical Therapist Assistant License Number AT 4056 to Michele Marie Keith (Respondent). The Physical Therapist Assistant License will expire on April 30, 2007, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws.

1 All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2609 of the Code states:

3 The board shall issue, suspend, and revoke licenses and approvals to practice
4 physical therapy as provided in this chapter.

5 5. Section 2660 of the Code states:

6 The board may, after the conduct of appropriate proceedings under the
7 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
8 probationary conditions upon any license, certificate, or approval issued under this chapter for
9 unprofessional conduct that includes, but is not limited to, one or any combination of the
10 following causes:

11 . . . (d) Conviction of a crime which substantially relates to the
12 qualifications, functions, or duties of a physical therapist or physical therapy
13 assistant. The record of conviction or a certified copy thereof shall be conclusive
14 evidence of that conviction.

15 6. Section 2661 of the Code states:

16 A plea or verdict of guilty or a conviction following a plea of nolo contendere
17 made to a charge of a felony or of any offense which substantially relates to the qualifications,
18 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of
19 this article. The board may order the license suspended or revoked, or may decline to issue a
20 license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed
21 on appeal or when an order granting probation is made suspending the imposition of sentence,
22 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person
23 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
24 of guilty, or dismissing the accusation, information, or indictment.

25 7. California Code of Regulations, title 16, section 1399.20, states:

26 For the purposes of denial, suspension or revocation of a license, pursuant to
27 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
28 substantially related to the qualifications, functions or duties of a person holding a license under

1 the Physical Therapy Practice Act if to a substantial degree it evidences present or potential
2 unfitness of a person to perform the functions authorized by the license or approval in a manner
3 consistent with the public health, safety or welfare.

4 **COST RECOVERY**

5 8. Section 2661.5 of the Code states:

6 (a) In any order issued in resolution of a disciplinary proceeding before the
7 board, the board may request the administrative law judge to direct any licensee found guilty of
8 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of
9 the investigation and prosecution of the case.

10 (b) The costs to be assessed shall be fixed by the administrative law judge and
11 shall not in any event be increased by the board. When the board does not adopt a proposed
12 decision and remands the case to an administrative law judge, the administrative law judge shall
13 not increase the amount of the assessed costs specified in the proposed decision.

14 (c) When the payment directed in an order for payment of costs is not made by
15 the licensee, the board may enforce the order of payment by bringing an action in any appropriate
16 court. This right of enforcement shall be in addition to any other rights the board may have as to
17 any licensee directed to pay costs.

18 (d) In any judicial action for the recovery of costs, proof of the board's decision
19 shall be conclusive proof of the validity of the order of payment and the terms for payment.

20 (e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate
21 the license or approval of any person who has failed to pay all of the costs ordered under this
22 section.

23 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
24 renew or reinstate for a maximum of one year the license or approval of any person who
25 demonstrates financial hardship and who enters into a formal agreement with the board to
26 reimburse the board within that one year period for those unpaid costs.

27 (f) All costs recovered under this section shall be deposited in the Physical
28 Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually

1 recovered or the previous fiscal year, as the board may direct.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Conviction)**

4 9. Respondent is subject to disciplinary action under sections 2660(d)
5 [substantially related conviction], 2661 [plea of guilty or nolo contendere followed by
6 conviction] and CCR 1399.20(a) in that respondent was convicted of a felony violation of Penal
7 Code section 278.5 [deprivation of custody of child]. The circumstances are as follows:

8 10. On or about March 2, 2002, M.Z. filed a report with the Petaluma Police
9 Department stating that her daughter, Michele Keith and Keith's two year old son, N.E., were
10 missing and she had not seen them since February 13, 2002. Respondent shared legal and
11 physical custody of N. with N.'s father, K.E. On the next day, March 3, 2002, respondent failed
12 to appear at an agreed upon child custody exchange.

13 11. On or about March 15, 2002, K.E. obtained a temporary order from the
14 Sonoma County Superior Court which ordered that "mother (respondent) shall return the child to
15 the County of Sonoma forthwith." A warrant was issued for respondent charging a violation of
16 Penal Code 278.5, i.e. interference with custody by a parent.

17 12. On or about September 22, 2002, the Petaluma Police Department
18 received information from the Lincoln County, Wisconsin Sheriffs Department that respondent
19 and her son were living in a shelter in Northern Wisconsin. Lieutenant Hirte of the Lincoln
20 County Sheriff's Department investigated, and located respondent working under the alias
21 "Connie Zeigler" as a receptionist at Northwoods Evergreen. Lieutenant Hirte interviewed
22 respondent, who admitted her true name. She told Lieutenant Hirte that she fled California
23 because K.E. was using hypnosis to control her and her son, that K.E. and his family were
24 involved in satanic worship, and that K.E.'s brother was a hypnotherapist. She and her son N.E.
25 were living at a domestic violence shelter in Merrill, Wisconsin. Respondent was arrested on the
26 outstanding California warrant, and extradited to California. On September 28, 2002, N. was
27 returned to his father by the Social Services Department.

28 13. On or about January 2, 2002, a criminal complaint in the case of *People of*

the State of California vs. Michele Marie Keith, was filed in Sonoma County Superior Court, case no. SCR- 32557. Count 1 charged respondent with a felony violation of Penal Code section 278.5, deprivation of custody of child.

14. On or about October 25, 2002, respondent entered a plea of not guilty to Count 1. On or about January 10, 2003, respondent entered a plea of guilty and not guilty by reason of insanity to Count 1. She was convicted of Count 1, a felony violation of Penal Code section 278.5, deprivation of custody of child. Respondent was granted formal probation with standard terms for thirty six months. She was ordered to participate and complete programs of assistance and counseling as directed by the Probation Department; pay restitution fines, and follow all Family Law orders. She was sentenced to serve 159 days in jail with credit for 159 days served.

15. Respondent's conviction is substantially related to the practice of physical therapy in that she wilfully disobeyed an order of the Family Court by removing her son from the State of California without his father's consent and setting up residence in another state under an assumed name for the purpose of evading law enforcement.

16. Therefore, respondent's license is subject to discipline in that she was convicted of violating Penal Code section 278.5 [deprivation of custody of child], a felony, which is substantially related to the practice of physical therapy.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Assistant License Number AT 4056, issued to Michele Marie Keith.

2. Ordering Michele Marie Keith to pay to the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 7, 2006

Original Signed By: _____
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

SF2006400227

Keith Accusation.wpd